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01130 U.S. PTO

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PTO/SB/05 (11-00)  
Approved for use through 10/31/2002 OMB 0651-0032  
Patent and Trademark Office U S DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	S100-DIV3
First Inventor	Greenberg
Title	Retinal Color Prosthesis For Color Sight Restoration
Express Mail Label No.	EL 516 675 962 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
- ☒ Applicant claims small entity status.  
See 37 CFR 1.27
- ☒ Specification [Total Pages **78**]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **32**]
- Oath or Declaration [Total Pages **4**]
  - ☒ Newly executed (original or copy)
  - ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
- ☐ Application Data Sheet See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - ☐ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ paper
  - ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
- ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☒ Other Petition to correct inventorship ...  
Declarations from Greenberg and Schulman

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No. **09/515,373**

Prior application information

Examiner **F. Oropeza**

Group / Art Unit **3762**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label



or ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Second Sight, LLC			28284	
PATENT TRADEMARK OFFICE					
Address	P.O. Box 905				
City	Santa Clarita	State	CA	Zip Code	91380-9005
Country	U.S.A.	Telephone	(661) 775-3995 ext. 3129	Fax	(661) 775-1595

Name (Print/Type) **Scott B. Durbin**

Registration No. (Attorney/Agent)

**37,124**

Signature

Date

**11/8/01**

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

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**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision

**Complete if Known**

Application Number	--
Filing Date	--
First Named Inventor	Greenberg
Examiner Name	--
Group Art Unit	--
Attorney Docket No.	S100-DIV3

**TOTAL AMOUNT OF PAYMENT****\$1,517.00****METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

50-0922

Deposit  
Account  
Name

Second Sight, LLC

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR §§ 1.16 and 1.17

- ☒
- Applicant claims small entity status
- 
- See 37 CFR § 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	370.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>\$370.00</b>

**2. EXTRA CLAIM FEES**

Total Claims		Extra Claims		Fee from below		Fee Paid	
63	-20** =	43	X	9.00	=	387.00	
18	-3** =	15	X	42.00	=	630.00	
Multiple Dependent				0.00	=	0.00	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b>\$1,017.00</b>

\*\*or number previously paid, if greater, For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non - English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130.00
123	50	123	50	Processing fee under 37 CFR § 1.17(q)	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
<b>SUBTOTAL (3)</b>					<b>\$130.00</b>

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY**

Name (Print/Type)

Scott B. Dunbar

Registration No  
(Attorney/Agent)

37,124

**Complete (if applicable)**

Telephone

(661) 775-3995 ext. 3129

Signature

Date

11/8/07

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**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Greenberg, et al.**

Docket No.

**S100-DIV3**Serial No.  
----Filing Date  
----Examiner  
----Group Art Unit  
---Invention: **RETINAL COLOR PROSTHESIS FOR COLOR SIGHT RESTORATION**

I hereby certify that the following correspondence:

**Divisional Patent Application***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

11/9/01  
(Date)

**Emily M. Stuart***(Typed or Printed Name of Person Mailing Correspondence)*  
*(Signature of Person Mailing Correspondence)***EL 516 675 962 US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

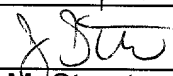
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b>	Greenberg, et. Al.	<b>Art Unit:</b>	Unassigned
<b>Serial No.:</b>	Unknown	<b>Examiner:</b>	Unknown
<b>Filed:</b>	Herewith		
<b>Docket No.:</b>	S100DIV3		
<b>For:</b>	Retinal Color Prosthesis for Color Sight Restoration		

**Assistant Commissioner  
For Patents  
Washington, D.C. 20231**

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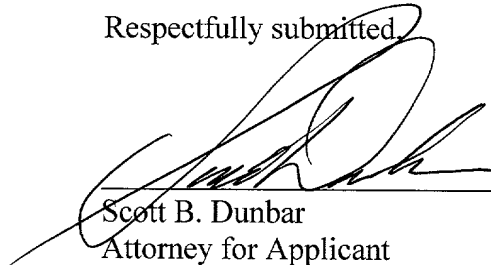
  
Emily M. Stuart

**PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.48(a)**

Dear Sir:

Pursuant to 37 C.F.R. 1.148(a), Applicant hereby petitions the Commissioner to correct inventorship in the above-identified patent application. As supported by the enclosed declarations of Robert J. Greenberg and Joseph H. Schulman, applicant, without deceptive intent, incorrectly named the inventors in the declaration filed in the parent application, Retinal Color Prosthesis for Color Sight Restoration, 09/515,373, filed February 29, 2000. The correct inventorship is shown in the new declaration provided herewith.

Respectfully submitted,

  
Scott B. Dunbar  
Attorney for Applicant  
Reg. No. 37,124

11/8/01  
Date

Second Sight, LLC  
P.O. Box 905  
Santa Clarita, CA 91380-9005  
(661) 775-3990 x3129  
(661) 775-1595 (fax)

**PATENT**

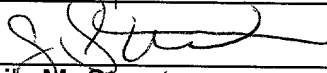
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b>	Greenberg, et. Al.	<b>Art Unit:</b>	Unassigned
<b>Serial No.:</b>	Unknown	<b>Examiner:</b>	Unknown
<b>Filed:</b>	Herewith		
<b>Docket No.:</b>	S100DIV3		
<b>For:</b>	Retinal Color Prosthesis for Color Sight Restoration		

**Assistant Commissioner  
For Patents  
Washington, D.C. 20231**

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11/9/01

  
Emily M. Stuart

**DECLARATION OF JOSEPH H. SCHULMAN IN SUPPORT OF A  
PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.48(a)**

Dear Sir:

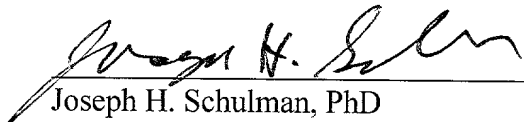
I, Joseph H. Schulman, state and declare:

1. I am a director of Second Sight, LLC, and an originally named inventor in the parents to the present application, US patent application, Retinal Color Prosthesis for Color Sight Restoration, 09/515,373, filed February 29, 2000 (the "original application").
2. As part of my work for Second Sight, LLC, I met regularly with Brian V. Mech prior to, and after, the filing the original application. At these meetings we discussed the subject matter of the invention disclosed in the original application. Brian suggested several coatings and methods of coating for the subject retinal prosthesis. These coatings form part of the subject matter which is claimed in the present divisional application.

3. It was a mere oversight that Brian Mech was not named as an inventor in the original application. Neither I, nor Second Sight, LLC had any deceptive intent in not naming Brian Mech as an inventor in the original application.
4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

11-08-01  
Date

  
Joseph H. Schulman, PhD

Second Sight, LLC  
P.O. Box 905  
Santa Clarita, CA 91380-9005  
(661) 775-3990 x3129  
(661) 775-1595 (fax)